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CHAPTER 19

Local Marketing Authorities and Farm Marketing Centers

ARTICLE 1

Local Marketing Authorities

**SECTION 46‑19‑10.** Petition to form local marketing authorities.

 With the approval and subject to the rules and regulations of the Department, local marketing authorities, hereby declared to be cooperative and non‑profit‑making, may be formed in the various communities of the State to engage in the marketing of agricultural products and all activities in connection therewith. When twenty or more persons in any community wish to form a local marketing authority they shall file a petition with the department, including, among other things, the following:

 (1) The names, addresses and businesses of the petitioners;

 (2) The name of the proposed local marketing authority, which shall in all cases include the words “Marketing Authority”;

 (3) The names and addresses of the officers of the proposed authority;

 (4) A statement of the activities, which shall all be related to the growing and marketing of farm products and livestock, in which the local marketing authority proposes to engage;

 (5) The area to be served by the proposed local marketing authority;

 (6) A statement of existing and prospective marketing and other facilities to be operated by the proposed local marketing authority;

 (7) The total amount of stock or certificates of ownership proposed to be issued and the face value of each share or the amount of the membership fee; and

 (8) Such other information as the Department may require.

HISTORY: 1962 Code Section 3‑241; 1952 Code Section 3‑241; 1948 (45) 1892; 1972 (57) 2479; 1975 (59) 258.

**SECTION 46‑19‑20.** Investigation and incorporation.

 The Department shall investigate and consider all petitions for local marketing authorities filed with it and, if a need for such local authority and reasonable chances for success shall appear, the department shall certify such facts to the Secretary of State who, without charge, shall issue a certificate of incorporation to the local marketing authority.

HISTORY: 1962 Code Section 3‑242; 1952 Code Section 3‑242; 1948 (45) 1892; 1975 (59) 258.

**SECTION 46‑19‑30.** Organization; bylaws; officers.

 After receiving a certificate of incorporation, a local marketing authority shall proceed to perfect a permanent organization by the adoption of bylaws, the election of permanent officers and the transaction of all business necessary for such permanent organization. The officers of a local marketing authority, with their duties, shall be as may be determined in the bylaws of the authority.

HISTORY: 1962 Code Section 3‑243; 1952 Code Section 3‑243; 1948 (45) 1892; 1975 (59) 258.

**SECTION 46‑19‑40.** Supervision and assistance of Department.

 The work of local marketing authorities shall be supervised by the department, and all local marketing authorities shall be entitled to the inspection, grading, buying and selling services of the department, as well as to all possible assistance in crop, land and soil selection, crop planting, fertilization, cultivation, harvesting and packing services and methods of financing. Provided, that no service presently being furnished by any other State agency shall be duplicated.

HISTORY: 1962 Code Section 3‑244; 1952 Code Section 3‑244; 1948 (45) 1892; 1975 (59) 258.

ARTICLE 3

County and City Farm Marketing Centers

**SECTION 46‑19‑110.** Authorization.

 Any county or municipality or combination thereof in this State may, at the discretion of its or their governing body or bodies, establish in and for such county or in or near and for such municipality or groups of municipalities a farm marketing center and acquire, own, operate, lease for operation or lease to others for operation such farm marketing center or any part of such center as may appear desirable.

HISTORY: 1962 Code Section 3‑251; 1952 Code Section 3‑251; 1942 Code Section 5806‑12; 1935 (39) 252; 1981 Act No. 104 Section 1.

**SECTION 46‑19‑120.** Projects; processing equipment includible.

 Any such farm marketing center may include a cannery, a creamery, a meat‑packing house, an assembly plant for poultry and eggs, a feed‑grinding and mixing plant and any other equipment necessary and proper for the processing and preparing for market of any of the products of the farms of this State, so as to enable the farmers to diversify their products and to find markets for them at fair and reasonable prices. Any such farm marketing center may include any one or more of the projects and processing equipment mentioned above, at the discretion of the proper officers.

HISTORY: 1962 Code Section 3‑252; 1952 Code Section 3‑252; 1942 Code Section 5806‑12; 1935 (39) 252.

**SECTION 46‑19‑130.** Power to condemn and borrow.

 In order to enable any county or municipality or combination of them to acquire a site or sites for the purposes specified in this article, they shall have the power of eminent domain. The counties or municipal corporations by their appropriate officers may secure the purchase price of any property and equipment that may be purchased for the purposes by a first mortgage on the property and equipment and may borrow money and receive and administer grants from the government of the United States under any administration or agency of the United States government and may comply with all the terms and conditions necessary to borrow the money.

HISTORY: 1962 Code Section 3‑253; 1952 Code Section 3‑253; 1942 Code Section 5806‑12; 1935 (39) 252; 1981 Act No. 104 Section 2; 1987 Act No. 173 Section 22, eff nine months from approval by Governor (approved by Governor on June 30, 1987).

Effect of Amendment

The 1987 amendment deleted a reference to the power of condemnation exercised in the same manner as when acquiring rights‑of‑way for public roads, and made grammatical changes.

ARTICLE 5

Roadside Market Incentive Program

**SECTION 46‑19‑210.** Commissioner authorized to establish and supervise program.

 The Commissioner of Agriculture of the State of South Carolina, herein referred to as “Commissioner,” acting by and through employees of the Department of Agriculture of South Carolina, herein referred to as “Department” is hereby authorized to establish and supervise a Roadside Market Incentive Program, herein referred to as the “program,” designed to create, establish and improve the quality of roadside markets and promote fair and sanitary marketing practices throughout the roadside markets in the State.

HISTORY: 1962 Code Section 3‑245; 1972 (57) 2156.

**SECTION 46‑19‑220.** Standards for participation.

 The Commissioner is hereby authorized to prescribe standards for participation in the program. Such standards shall relate to design, external and internal appearance, location, sanitation and cleanliness, product quality, fair and honest marketing practices and any other factors designed to promote traffic safety, fair marketing, roadside appearance, and promotion of South Carolina agricultural products.

HISTORY: 1962 Code Section 3‑245.1; 1972 (57) 2156.

**SECTION 46‑19‑230.** Applications for participation; participation is voluntary; registration of participants.

 The operators of roadside markets desiring to participate in the program shall file an application with the Commissioner on a form prescribed by him, who, after inspection, shall determine eligibility of the market to participate in the program. Participation in the program shall be completely voluntary and any market desiring not to participate in the program cannot be required to do so by the Commissioner. After determining the markets eligible to participate in the program, the Commissioner, pursuant to such procedures and regulations as he may formulate, shall register such participants in the program.

HISTORY: 1962 Code Section 3‑245.2; 1972 (57) 2156.

**SECTION 46‑19‑240.** Signs.

 The Commissioner shall prescribe and make available signs showing the Department’s approval and membership in the program. Such signs shall be issued to applying markets which comply with standards established by the Commissioner and such markets may display such signs as long as they retain approval as participating markets.

HISTORY: 1962 Code Section 3‑245.3; 1972 (57) 2156.

**SECTION 46‑19‑250.** Inspections.

 Inspectors of the Department shall conduct periodic inspections of approved markets and any failure to meet prescribed standards shall be sufficient cause for the Commissioner to revoke market approval and to require return of the sign furnished the market by the Department, which sign shall at all times remain the property of the State. Refusal to allow inspectors to make a full and complete inspection or refusal to disclose material facts to such inspectors shall be sufficient cause for revocation of market approval.

HISTORY: 1962 Code Section 3‑245.4; 1972 (57) 2156.

**SECTION 46‑19‑260.** Notice and hearing on disapproved application.

 When an application for participation is disapproved or when previously granted approval is revoked, the market owner shall be given written notice setting forth the reason for the action taken and shall, upon request, be afforded a hearing in accordance with applicable provisions of the 1976 Code.

HISTORY: 1962 Code Section 3‑245.5; 1972 (57) 2156.

**SECTION 46‑19‑270.** Penalty for displaying unauthorized sign.

 (A) It is unlawful for a market to:

 (1) display a sign indicating approval by the department or participation in the program before the approval by the department; or

 (2) continue to display the sign after final administrative action revoking the approval of the market; or

 (3) fail to return to the department a sign issued to the market by the department within ten days after official notice from the department to return the sign.

 (B) The owner of the market who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

HISTORY: 1962 Code Section 3‑245.6; 1972 (57) 2156; 1993 Act No. 184, Section 240, eff January 1, 1994.

Effect of Amendment

The 1993 amendment rewrote this section so as to change the maximum term of imprisonment to conform to the classification established for each offense.

**SECTION 46‑19‑280.** Transfer of signs.

 Market approval and the sign indicating the same shall be transferable between owners, provided the Department is given notice of such change of ownership within ten days of such event but shall, in no event, be transferable from one location to another nor shall approval of one market in a chain apply to any other markets in such chain.

HISTORY: 1962 Code Section 3‑245.7; 1972 (57) 2156.

**SECTION 46‑19‑290.** Expenditure of funds.

 In order to comply with the provisions of this article and rules and regulations promulgated hereunder the Commissioner is authorized and empowered to expend funds of the State appropriated to the Department for use under promotion and expansion of agricultural products.

HISTORY: 1962 Code Section 3‑245.8; 1972 (57) 2156.

**SECTION 46‑19‑300.** Rules and regulations.

 The Commissioner is authorized to adopt and promulgate rules and regulations designed to implement this program and to accomplish the purposes of this article and, after legally adopted and promulgated, such rules and regulations shall have the force and effect of law.

HISTORY: 1962 Code Section 3‑245.9; 1972 (57) 2156.

**SECTION 46‑19‑310.** Injunctions.

 In addition to the remedies provided herein and notwithstanding the existence of an adequate remedy at law, the Commissioner is hereby authorized to apply to any circuit court of the State where jurisdiction over the defendant can be obtained for an injunction and such court shall have jurisdiction and for good cause shown shall grant a temporary or permanent injunction or an ex parte or restraining order, restraining or enjoining any person, roadside market owner, or operator from violating and continuing to violate any provision of this article or any rules and regulations promulgated hereunder. Such injunction shall be issued without bond and may be granted notwithstanding the fact that the violation constitutes a criminal act and notwithstanding the pendency of any criminal prosecution for the same violation.

HISTORY: 1962 Code Section 3‑245.10; 1972 (57) 2156.